

# Notice of Allowability

Application No.

10/779,913

Examiner

Helen F. Pratt

Applicant(s)

WANG, SHING-JUNG

Art Unit

1761

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-12-07.
2. ☒ The allowed claim(s) is/are 1, 6-20 renumbered as claims 1-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 1, line 3, after "wheat flour" – component comprising (a) wheat gluten flour or (b) wheat gluten flour plus wheat flour - has been inserted and on line 3, after "wheat flour" (2<sup>nd</sup> occurrence) - component has been inserted.

In claim 1, line 5, after "wheat flour" – component – has been inserted.

Claim 3 has been cancelled.

In claim 6, line 1, the "3" has been deleted and a – 1 – inserted therein.

In claim 7, line 1, the "3" has been deleted and – 6 – inserted therein.

In claim 20, "curdlangum" has been deleted and – curdlan gum – inserted therein.

### Reasons for Allowance

Song J. XP 002282539 discloses amounts within the claimed amounts as in claim 1.

However, the reference does not disclose the claimed amount of crude protein since the wheat flour contains from 9-14% protein, which in the amounts of wheat flour disclosed of 30-35% in lines 5-15, amounts to even less than 5-25% as in the reference (page 2, lines 25-28) would not have provided the claimed amount of protein (14 times 35 = 4.90% gluten). From this reference it would not have been obvious to add more white flour since the invention attempts to solve the problem of making a noodle using 30-35% white flour with using even less in amounts of from

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5-25 units white flour, (page 2). The addition of gluten flour in Hunter is to making breads and not to making pasta. Pasta has different problems to be solved since it is generally cooked in a liquid. Therefore, it is seen that the combined references and the prior art now discussed do not show the claimed invention.

Any inquiry concerning this communication should be directed to Helen F. Pratt at telephone number 571-272-1404. Hp 9-21-07

*H. Pratt*  
HELEN PRATT  
PRIMARY EXAMINER